

REMARKS

Claims 30-38 are presently pending in the above-identified patent application. No claim is allowed.

Claim 30 has been rejected pursuant to 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The examiner cannot tell what “conducting remediation activities” entails or what steps/elements it includes.

Claim 30 has been amended to recite “delivering a decontaminant within the site of the suspected biological attack” in place of “conducting remediation activities at a site where a biological attack may have, occurred.” It is respectfully urged that this amendment to claim 30 removes any basis for a rejection pursuant to the second paragraph of §112. Withdrawal of this rejection is respectfully requested.

Claims 30-38 have been rejected pursuant to 35 U.S.C. §103(a) as being unpatentably obvious over Weinberg et al. (US 2003/0129082) in light of Hilbert (US 6,192,633) and in view of Sutton (US 5,706,846). This rejection is respectfully traversed.

The examiner contends that Weinberg et al. in combination with Hilbert disclose the subject matter of the rejected claims. Weinberg et al. disclose nothing more than sealing a contaminated structure and introducing a gas into the structure, a process similar to well-known process of treating building structures for termite infestation. It is respectfully submitted that combining Hilbert with Weinberg et al. does not result in the present invention, or result in anything that is similar to the present invention.

The examiner relies on Fig. 9 of Hilbert and the accompanying disclosure describing that the embodiment shown in Fig. 9. In actuality, Hilbert describes a system that is the exact opposite

of the present invention. The innermost zone disclosed in Hilbert is identified as the second enclosure identified by reference numeral 3100. In contrast, the innermost zone in the present invention is the contaminated site identified as the exclusion zone in Fig. 3.

In addition, Hilbert discloses a linear pathway through the enclosures, starting at enclosure 3000, where a contaminated individual enters from the outside environment and disrobes in preparation for entering the second enclosure 3100 in order to shower. The second enclosure 3100 is the innermost enclosure of the decontamination “village” that is disclosed in Fig. 9. The individual has obviously been contaminated from some source in the outside environment at a location different from the decontamination “village” that is disclosed in Fig. 9. After showering, the individual proceeds to a final “clean” enclosure 3200, where the individual dons clean clothing before exiting to the outside environment through air-tight seal 3230.

This structure and process is completely different from the present invention. First, in complete contrast to the situation in Hilbert, the outside environment in the present invention is assumed to be contamination free. The portion of the outside environment closest to the site is set up as a support zone (which may include, e.g., a trailer) as taught by the present invention. In addition, persons practicing the present invention don protective clothing in the support zone and then proceed from the support zone in the contamination-free outside environment, through a contamination reduction zone enclosure, and into a contaminated region (exclusion zone) which, in the present invention, is the innermost enclosure encountered. In contrast to Hilbert, who requires that enclosure 3000 be connected to inner enclosure 3100 through a connected passageway 3050, the support zone trailer is not physically connected in an isolated way to the contamination reduction zone.

After performing their decontamination (remediation) activities in the contaminated exclusion zone, persons practicing the present invention proceed back into the contamination reduction zone enclosure, where their protective clothing is decontaminated and removed prior to their exiting the contamination reduction zone enclosure back into the outside environment.

Hilbert requires two separate intermediate enclosures, a first one through which already-contaminated persons enter to reach a decontamination enclosure rather than to reach a contaminated area, and a second one through which they pass after decontamination in the innermost decontamination area. In the present invention, persons enter an intermediate area (a contamination reduction zone) from the outside environment, proceed to a contaminated area (an exclusion zone), exit the contaminated area back through the same intermediate area where they are decontaminated before proceeding back to the uncontaminated outside environment.

The architecture of the present invention is so different from that disclosed in Hilbert that combining Hilbert with Weinberger et al. as suggested by the examiner does not disclose or even remotely suggest the present invention. The examiner's contention that enclosure 3200 is a support zone is mistaken. (The undersigned assumes that, in line 17 of paragraph 1 of page 3 of the Office Action, the examiner mistakenly identifies as a "support zone" individual 5040 rather than the enclosure indicated at reference numeral 3200). Enclosure 5040 is an area where persons re-dress after showering. This is completely different from the support zone in the present invention, "wherein the support zone includes dressing facilities and equipment" clearly refers to an area where persons don protective gear and equipment before entering the contaminated area as disclosed in the specification at page 14, line 25, through p. 15, line 4. As disclosed in that passage of the specification, persons also shower in the support zone. This is completely the

opposite of Hilbert, where persons shower in the innermost enclosure 3100, not in enclosure 3200 that the examiner identifies as the support zone.

In view of the significant differences in architecture, structure, and function between Hilbert and the presently claimed invention, it is respectfully urged that Weinberg et al. and Hilbert cannot be combined to properly reject the pending claims as obvious pursuant to §103. Withdrawal of this rejection is respectfully requested.

Applicants believe that the above-identified application is now in condition for allowance and such action is respectfully requested.

If the Examiner has any questions regarding this application or this response, the Examiner is requested to telephone the undersigned at 775-586-9500.

Respectfully submitted,  
LEWIS AND ROCA LLP

Dated: September 28, 2009

/kenneth dalessandro/

Kenneth D'Alessandro  
Reg. No.: 29,144

Lewis and Roca LLP  
1663 Hwy 395, Suite 201  
Minden, NV 89423  
(775) 586-9500